IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

WEDNESDAY, THE 18TH JULY, 2007 / 27TH ASHADHA, 1929

WP(C).No. 22156 of 2007(K)

PETITIONERS:

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1. ATHRAPULIKKAL PURUSHOTHAMAN,
   S/O. CHOYI, BALATHIRUTHI, VALLIKKUNNU,
   KADALUNDI P.O., MALAPPURAM DISTRICT.

2. ATHRAPULIKKAL KAMALA, W/O. NAYADIKUTTY,
   BALATHIRUTHI, VALLIKKUNNU, KADALUNDI P.O.,
   MALAPPURAM DISTRICT.

BY ADV. SRI.T.KRISHNAN UNNI
SRI.C.M.MOHAMMED IQUABAL

RESPONDENTS:

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1. VALLIKKUNNU GRAMA PANCHAYATH,
   REP. BY SECRETARY, P.O.VALLIKKUNNU,
   MALAPPURAM DISTRICT.

2. THE TAHSILDAR,
   TIRURANGADI TALUK, MALAPPURAM DISTRICT.

R2 BY GOVT. PLEADER SRI.I.V.PRAMOD.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 18/07/2007, THE COURT ON 18/07/2007 DELIVERED THE FOLLOWING:

S. SIRI JAGAN, J.

WP(C) NO. 22156 OF 2007 - K

Dated this the 18th day of July, 2007

J U D G M E N T

The petitioners challenge Exts.P10 and P10(a) orders by which the petitioners have been directed to vacate the properties mentioned therein. According to the petitioners, pursuant to Exts.P8 and P8(a) notices, the petitioners had filed Exts.P9 and P9(a) objections which have not been considered at all while passing Exts.P10 and P10(a). The petitioners would submit that they have been in possession and enjoyment of the properties in question ever since 1968 and therefore, even assuming that the properties are puramboke, the petitioners cannot be evicted from that properties in view of the law of limitation and adverse possession.

2. I have heard the learned counsel for the petitioners as also the learned Government Pleader.

3. I am not inclined to go into the merits of the contentions at this stage since the petitioners have an effective alternate remedy by way of appeal against

Exts.P10 and P10(a) orders under the Kerala Land Conservancy Act. However, for enabling the petitioners to approach the appellate authority, I direct that further proceedings pursuant to Exts.P10 and P10(a) shall be kept in abeyance for a period of two weeks. I further direct that the appellate authority shall specifically consider the specific objections raised by the petitioners in Exts.P9 and P9(a) and enter into specific findings in respect of the same on the basis of evidence adduced by the petitioners.

The writ petition is disposed of as above.

S. SIRI JAGAN,
Judge

Mbs/

S.SIRI JAGAN, J

W.P.(C) NO. OF 2001

J U D G M E N T

DATED:01-06-2007